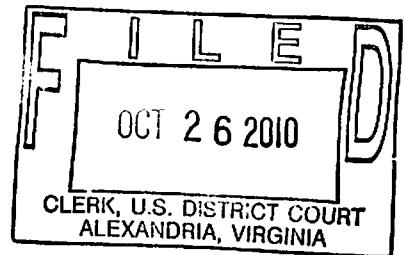


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MICROSOFT CORPORATION,)
Plaintiff,)
v.) 1:10:cv156 (LMB/JFA)
JOHN DOES 1-27,)
Defendants.)



ORDER

Plaintiff Microsoft Corporation ["Microsoft"] asks the Court to enjoin the operators of 276 Internet domains - known as "botnets" - from spreading malicious software on the Internet in violation of the Federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030; the Controlling the Assault of Non-Solicited Pornography and Marketing Act, 15 U.S.C. § 7704; the Electronic Communications Privacy Act, 18 U.S.C. § 2701; and the Lanham Act, 15 U.S.C. § 1125. Plaintiff also alleges that the defendants are liable for common law trespass to chattels, unjust enrichment, and conversion. After all defendants failed to respond to the lawsuit, they were held in default. On September 17, 2010, a magistrate judge issued a Proposed Findings of Fact and Recommendation ("Report") [Dkt. No. 89] in which he recommended that a default judgment consisting solely of equitable relief be entered in the plaintiff's favor against defendants John Does 1-27.

The magistrate judge also advised the parties that any objections to the Report had to be filed within fourteen (14) days of the filing of the notice by Microsoft that service of the Report had been completed and that failure to file timely objections would waive appellate review of any judgment based on it. Microsoft, as directed in the Report, on September 17, 2010 transmitted via electronic mail a copy of the Report to the e-mail addresses identified in the registrant information for the 276 domains used to carry out the Waledac botnet. Microsoft also posted the Report on the www.noticeofpleadings.com website. On September 20, 2010, plaintiff transmitted via electronic mail a Chinese translation of the Report to the e-mail addresses on record and posted the translation on the www.noticeofpleadings.com website. On September 20, 2010, Microsoft provided third parties VeriSign, Inc., eNom/Demand Media, and Wild West Domains with the Report by Federal Express overnight mail. On September 22, 2010, Microsoft filed with the Clerk a Notice of Service to Defendants John Does 1-27. [Dkt. No. 90]. As of October 25, 2010, the defendants have not filed any responsive pleadings or otherwise responded to Microsoft's Complaint or Renewed Motion for Default Judgment [Dkt. 84], nor have the defendants filed any objections to the Report.

In his Report, the magistrate judge correctly found that this Court has subject matter jurisdiction over this civil action

under 28 U.S.C. §§ 1331 and 1367, and personal jurisdiction over the defendants because the domain registry, VeriSign, Inc., is based in the district. Venue is proper under 28 U.S.C. § 1391(b) because a domain name is deemed to have its situs in the judicial district in which the domain name registry that registered or assigned the domain name is located.

Having fully reviewed the Report, case file, and Microsoft's Renewed Motion for Default Judgment, the Court adopts the proposed findings of fact and conclusions of law contained in the Report as its own.

Accordingly, Microsoft's Renewed Motion for Default Judgment [Dkt. 84] is GRANTED and it is hereby

ORDERED and ADJUDGED that a default judgment be and is entered in favor of Microsoft Corporation against defendants John Does 1-27, and it is further

ORDERED that the preliminary injunction entered by the Court on March 10, 2010 be and is converted into a permanent injunction, thereby enjoining the John Doe defendants and their officers, directors, principals, agents, servants, employees, successors, assigns, and all persons and entities in active concert or participation with them, from engaging in any of the activity complained of in this action or from causing any of the injury complained of in this action and from assisting, aiding or abetting any other person or business entity in engaging in or

performing any of the activity complained of in this action or from causing any of the injury complained of in this action, and it is further

ORDERED that VeriSign, Inc. transfer the 276 Botnet Domains listed in Appendix A of the Report, which are also attached to this Order, to a registrar of Microsoft's choosing that will transfer the registration of the Botnet Domains to Microsoft, and it is further

ORDERED that the bond posted by Microsoft be and is released.

To appeal this decision, the defendants must file a Notice of Appeal in writing with the Clerk of this Court within thirty (30) days of receipt of this Order. Failure to file a timely Notice of Appeal waives the right to appeal this decision.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 in favor of the plaintiff against defendants John Does 1-27 and to forward copies of this Order to counsel of record for the plaintiff, VeriSign, Inc., and the defendants at their addresses of record.¹

Entered this 26th day of October, 2010.

Alexandria, Virginia


Leonie M. Brinkema
United States District Judge

¹To ensure that every effort has been made to communicate this decision to the defendants, plaintiff is directed to post a copy of this Order on www.noticeofpleadings.com within 10 days of receipt of this Order.

Appendix A

1. bestchristmascard.com
2. bestmirabella.com
3. bestyearcard.com
4. blackchristmascard.com
5. cardnewyear.com
6. cheapdecember.com
7. christmaslightsnow.com
8. decemberchristmas.com
9. directchristmasgift.com
10. eternalgreetingcard.com
11. freechristmassite.com
12. freechristmasworld.com
13. freedecember.com
14. funnychristmasguide.com
15. greatmirabellasite.com
16. greetingcardcalendar.com
17. greetingcardgarb.com
18. greetingguide.com
19. greetingsupersite.com
20. holidayxmas.com
21. itsfatherchristmas.com
22. justchristmasgift.com
23. lifegreetingcard.com
24. livechristmascard.com
25. livechristmasgift.com
26. mirabelloclub.com
27. mirabellamotors.com
28. mirabellanews.com
29. mirabellaweb.com
30. newlifeyearsite.com
31. newmediayearguide.com
32. newyearcardcompany.com
33. newyearcardfree.com
34. newyearcardonline.com
35. newyearcardservice.com
36. smartcardgreeting.com
37. superchristmasday.com
38. superchristmaslights.com
39. superyearcard.com
40. themirabelladirect.com
41. themirabellaguide.com
42. themirabellahome.com
43. topgreetingssite.com
44. whitewhitechristmas.com
45. worldgreetingcard.com
46. yourchristmaslights.com
47. yourdecember.com
48. yourmirabelladirect.com
49. yourregards.com
50. youryearcard.com
51. bestbarack.com
52. bestbaracksite.com
53. bestobamadirect.com
54. expowale.com
55. greatbarackguide.com
56. greatobamaguide.com
57. greatobamaonline.com
58. jobarack.com
59. superobamadirect.com
60. superobamaonline.com

- 61. thebaracksite.com
- 62. topwale.com
- 63. waledirekt.com
- 64. waleonline.com
- 65. waleprojekt.com
- 66. goodnewsdigital.com
- 67. goodnewsreview.com
- 68. linkworldnews.com
- 69. reportradio.com
- 70. spacemynews.com
- 71. wapcitynews.com
- 72. worldnewsdot.com
- 73. worldnewseye.com
- 74. worldtracknews.com
- 75. bestgoodnews.com
- 76. adorelyric.com
- 77. adorepoem.com
- 78. adoresongs.com
- 79. bestadore.com
- 80. bestlovelong.com
- 81. funloveonline.com
- 82. youradore.com
- 83. yourgreatlove.com
- 84. orldlovelife.com
- 85. romanticsloving.com
- 86. adoresong.com
- 87. bestlovehelp.com
- 88. chatloveonline.com
- 89. cherishletter.com
- 90. cherishpoems.com
- 91. lovecentralonline.com
- 92. lovelifeportal.com
- 93. whocherish.com
- 94. worldlovelife.com
- 95. worshiplove.com
- 96. yourteamdoc.com
- 97. yourdatabank.com
- 98. alldatanow.com
- 99. alldataworld.com
- 100. cantlosedata.com
- 101. freedoconline.com
- 102. losenowfast.com
- 103. mingwater.com
- 104. theworldpool.com
- 105. wagerpond.com
- 106. beadcareer.com
- 107. beadworkdirect.com
- 108. bestcouponfree.com
- 109. bestmazdadealer.com
- 110. bluevalentineonline.com
- 111. buymazdacars.com
- 112. codecouponsite.com
- 113. deathtaxi.com
- 114. funnyvalentinessite.com
- 115. greatcouponclub.com
- 116. greatmazdacars.com
- 117. greatsalesavailable.com
- 118. greatsalesgroup.com
- 119. greatsalestax.com
- 120. greatsvaletinc.com
- 121. greatvalentinepoems.com
- 122. macride.com

123. mazdaautomotiveparts.com	154. bestusablog.com
124. mazdacarclub.com	155. blogginhell.com
125. mazdaspeedzone.com	156. blogsitedirect.com
126. netcitycab.com	157. boarddiary.com
127. petcabtaxi.com	158. breakingfreemichigan.com
128. smartsalesgroup.com	159. breakinggoodnews.com
129. superpartycab.com	160. breakingkingnews.com
130. supersalesonline.com	161. breakingnewsfm.com
131. thecoupondiscount.com	162. breakingnewsltd.com
132. themazdacar.com	163. debtbgonesite.com
133. themazdaspeed.com	164. easyworldnews.com
134. thevalentine lovers.com	165. extendedman.com
135. thevalentineparty.com	166. farboards.com
136. wirelessvalentineday.com	167. fearalert.com
137. workcaredirect.com	168. globalantiterror.com
138. workhomegold.com	169. gonesite.com
139. worklifedata.com	170. longballonline.com
140. yourcountycoupon.com	171. mobilephotoblog.com
141. yourmazdacar.com	172. photoblogsite.com
142. yourmazda tribute.com	173. residencehunter.com
143. yourvalentineday.com	174. terroralertstatus.com
144. yourvalentine poems.com	175. terrorfear.com
145. againstfear.com	176. terrorismfree.com
146. antiterroralliance.com	177. themostrateblog.com
147. antiterroris.com	178. tntbreakingnews.com
148. antiterrornetwork.com	179. urbanfear.com
149. bayhousehotel.com	180. usabreakingnews.com
150. bestblogdirect.com	181. yourbreakingnew.com
151. bestbreakingfree.com	182. yourlength.com
152. bestjournalguide.com	183. yourlol.com
153. bestlifeblog.com	184. yourwent.com

185. bakeloaf.com	216. biumer.com
186. chinamobilesms.com	217. entrank.com
187. coralarm.com	218. fireholiday.com
188. downloadfreesms.com	219. fireworksholiday.com
189. freecolorsms.com	220. fireworksnetwork.com
190. freeservesms.com	221. fireworkspoint.com
191. fryroll.com	222. freeindependence.com
192. goldfixonline.com	223. gemells.com
193. lastlabel.com	224. handyphoneworld.com
194. miosmsclub.com	225. happyindependence.com
195. moneymedal.com	226. holidayfirework.com
196. nuovosms.com	227. holidaysfirework.com
197. screenalias.com	228. holifireworks.com
198. smsclubnet.com	229. interactiveindependence.com
199. smsdiretto.com	230. miosmschat.com
200. smspianeta.com	231. movie4thjuly.com
201. tagdebt.com	232. moviesfireworks.com
202. virtualesms.com	233. movieindependence.com
203. wealthleaf.com	234. movies4thjuly.com
204. yourbarrier.com	235. moviesfireworks.com
205. discountfreesms.com	236. moviesindependence.com
206. eccellentesms.com	237. outdoorindependence.com
207. freesmsorange.com	238. smophi.com
208. ipersmstext.com	239. superhandycap.com
209. morefreesms.com	240. thehandygal.com
210. nuovosmsclub.com	241. video4thjuly.com
211. primosmsfree.com	242. videoindependence.com
212. smsinlinea.com	243. yourhandyhome.com
213. smsluogo.com	244. yusitymp.com
214. superioresms.com	245. aweleon.com
215. 4thfirework.com	246. bedioger.com

247. bicodehl.com
248. birdab.com
249. cismosis.com
250. crucism.com
251. cycloro.com
252. encybest.com
253. favolu.com
254. framtr.com
255. frostep.com
256. gumentha.com
257. hindger.com
258. hornalfa.com
259. noloid.com
260. nonprobs.com
261. oughwa.com
262. painkee.com
263. pantali.com
264. pathoph.com
265. pretre.com
266. purgand.com
267. rascop.com
268. sodanthu.com
269. specipa.com
270. tabatti.com
271. tatumen.com
272. thingre.com
273. tobeyew.com
274. broadwo.com
275. houreena.com
276. cyanian.com